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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

On Appeal from Group Art Unit 3731

In re the Application of

Inventor: Jose FEDIDA Group Art Unit: 3731

Appln. No.: 09/526,547 Examiner: V. Bui

Filed: March 16, 2000

For: STRUCTURE OF A PROSTHESIS INTENDED TO BE IMPLANTED  
IN A HUMAN OR ANIMAL PASSAGE AND PROSTHESIS WITH  
SUCH A STRUCTURE

PETITION UNDER 37 CFR 1.183

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

The Applicant hereby petitions, pursuant to the provisions of 37 CFR 1.183, for suspension of the rules to allow entry of a Request for Oral Hearing and a Reply Brief (both attached hereto) after the deadline set by an Examiner's Answer which issued in this application on October 20, 2003. It is believed that the circumstances described below constitute extraordinary circumstances that in equity would warrant suspension of the applicable deadline to permit submission and entry at this time of the Request for Oral Hearing and Reply Brief.

RECEIVE  
JAN 14 2004  
OFFICE OF PETITION

Although the Examiner's Answer was received on October 20, 2003 by the law firm of which the undersigned is a member (hereinafter, "the law firm") and the undersigned is the attorney within the firm who is responsible for this application, the undersigned never received this Examiner's Answer until January 9, 2004. The circumstances of this occurrence are described in the attached Declarations of clerical staff of the law firm and are summarized below.

The Examiner's Answer was timely received by the chief docket clerk of the law firm on October 20, 2003, as evidenced by the date of receipt which is routinely stamped on the reverse side of the last page of all papers received from the PTO. Exhibit I is a copy of this sheet. Although the chief docket clerk has fifteen (15) years of experience as a patent docket clerk, she failed, through inadvertence, to docket a deadline, based on receipt of the Examiner's Answer, for the Request for Oral Hearing or the Reply Brief, in the firm's computerized docket system (which operates the widely used PATSY docketing software). Our PATSY software does not automatically docket due dates established by issuance of an examiner's answer. Exhibit II is a Declaration of said chief docket clerk.

The docket clerk then routed the Examiner's Answer to an Administrative Assistant of the undersigned for further processing.

Exhibit III is a Declaration of the Administrative Assistant, stating that she received the Examiner's Answer on about October 20, 2003, but that she did not realize there was any due date to be docketed or any urgency to dealing with the paper because there was no due date marked thereon by the docket clerk. Due to an unusually heavy workload in October and November, and the holiday season in December, she did not prepare a letter for the undersigned's signature, to send the paper to the Applicant, until January 9, 2004. She kept the paper in question at her desk from October 20, 2003 through January 9, 2004.

As a result of the above circumstances, the undersigned did not receive the Examiner's Answer until January 9, 2004.

Further, a search of the file jacket and docket records maintained by the undersigned and the law firm indicates that the deadlines, for the Request for Oral Hearing and the Reply Brief, set by the Examiner's Answer were never docketed.

Exhibit IV is a copy of the undersigned's file jacket for this application. If the undersigned had timely received the Examiner's Answer, it would have been entered on the cover of the file jacket

indicating a due date of December 20, 2003. However, the file jacket lacks an entry for an Examiner's Answer.

Exhibit V is a copy of the undersigned's manual docket calendar for December 18-24, 2003. If the undersigned had timely received the Examiner's Answer, it would have been entered on the manual docket calendar on December 20, 2003. However, no such entry was made.

Exhibit VI is a copy of the printout of the Consolidated Docket for the undersigned, obtained from the law firm's computerized docket system for the date of December 20, 2003. This printout was provided to the undersigned and his Administrative Support Staff at the end of November 2003. Except for the docket clerk's inadvertent error noted above, there should have been an entry on December 20, 2003 for the Examiner's Answer. However, the computerized docket system, as shown by the attached printout of the Consolidated Docket for the undersigned, also lacks an entry for the Examiner's Answer.

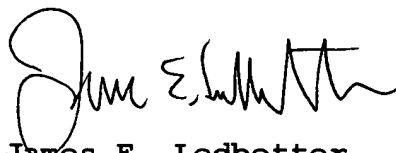
Exhibit VII is a printout obtained January 12, 2004 from the firm's PATSY system for the above-referenced application; this printout shows no entry of any deadline after receipt of the Examiner's answer.

Accordingly, it is believed that the above-described extraordinary circumstances warrant equitable suspension of the

rules to permit entry of the attached Request for Oral Hearing and Reply Brief is respectfully requested.

The fee set forth in 37 CFR 1.17(h) or any other required fee for this Petition may be charged to Deposit Account No. 19-4375.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James E. Ledbetter", written in a cursive style.

James E. Ledbetter  
Registration No. 28,732

Date: January 12, 2004  
JEL/DWW/att  
Attorney Docket No. JEL 31040  
STEVENS DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, N.W., Suite 850  
P.O. Box 34387  
Washington, D.C. 20043-4387  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200

ADDRESS OK

Exhibit A

RECEIVED

JAN 14 2004

OFFICE OF PETITIONS

Cahen & Bonnet  
CLIENT/ASSOCIATE ATTY.

JEL  
SDM & M PARTNER

NOVATECH/STRUCTURE PROTHETIQUE  
CLIENT/ASSOCIATE REF. NO.

SDM & M ASSOCIATE

JOSE FEDIDA  
INVENTOR

09/526 547  
APPLN. SERIAL NO.

MARCH 16 2000  
FILING DATE

Structure of a Prosthesis Intended to be Implanted  
in a Human or Animal Passage and Prosthesis  
with Such a Structure

PROSECUTION HISTORY

Description of Paper	Date of Paper	Due Date (If Any)
Information Disclosure Statement w/PTO-1449	June 14, 2000	
<u>IDS</u>	<u>Aug. 28, 2000</u>	
<u>SIL - Conf./change + address</u>	<u>SEPT. 22, 2000</u>	
<u>Office Action</u>	<u>August 1, 2001</u>	<u>November 1, 2001</u>
<u>Amendment</u>	<u>Nov. 1, 2001</u>	
<u>Final Rejection</u>	<u>January 15, 2002</u>	<u>April 15, 2002</u>
<u>Amend. of Fin. Rej.</u>	<u>April 19, 2002</u>	<u>May 15, 2002</u>
<u>Amendment</u>	<u>May 15, 2002</u>	
<u>Office ACTION</u>	<u>July 18, 2002</u>	<u>Oct. 18, 2002</u>
<u>Amendment + Pet. for EOT</u>	<u>Nov. 18, 2002</u>	
<u>Final Rejection</u>	<u>Feb. 13, 2003</u>	<u>May 13, 2003</u>
<u>Amendment + LOD</u>	<u>April 28, 2003</u>	<u>May 13, 2003</u>
<u>Notice of Appeal + Pet. for EOT</u>	<u>June 13, 2003</u>	<u>Aug. 13, 2003</u>
<u>Appeal Brief</u>	<u>July 28, 2003</u>	

ISSUANCE	Date Accepted/Allowed	Date Granted
	Patent Number	Patent Date

© 1998 By:  
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1400 K Street N.W.  
Suite 1010  
Washington, D.C. 20005

APPLICANT

DOCKET NO.

# side

## side (sīd) *noun*

1. *Mathematics.* a. A line bounding a plane figure. b. A surface bounding a solid figure.
2. A surface of an object, especially a surface joining a top and bottom: *the four sides of a box.*
3. A surface of an object that extends more or less perpendicularly from an observer standing in front: *the side of the ship.*
4. Either of the two surfaces of a flat object: *the front side of a piece of paper; the two sides of a record.*
5. a. The part within an object or area to the left or right of the observer or of its vertical axis. b. The left or right half of the trunk of a human or animal body: *always sleeps on his side; a side of beef.*
6. a. The space immediately next to someone: *stood at her father's side.* b. The space immediately next to something. Often used in combination: *courtside; dockside.*
7. One of two or more contrasted parts or places within an area, identified by its location with respect to a center: *the north side of the park.*
8. An area separated from another area by an intervening feature, such as a line or barrier: *on this side of the Atlantic; the district on the other side of the railroad tracks.*
9. a. One of two or more opposing individuals, groups, teams, or sets of opinions. b. One of the positions maintained in a dispute or debate.
10. A distinct aspect: *the shy side of his personality.* See synonyms at phase.
11. Line of descent: *my aunt on my mother's side.*
12. *Chiefly British.* Affected superiority; arrogance.

## *adjective*

1. Located on a side: *a side door.*
2. From or to one side; oblique: *a side view.*
3. Minor; incidental: *a side interest.*
4. In addition to the main part; supplementary: *a side benefit.*

## *verb*

### *sided, sided-ing, sides verb, transitive*

1. To provide sides or siding for: *side a frame house with aluminum.*
2. To be positioned next to: *a couch that is sided by low tables.*
3. To be in agreement with; support.

### *verb, intransitive*

To align oneself in a disagreement: *sided with the conservatives in Congress; siding against the bill.*

### *— idiom.*

### *on the side*

1. In addition to the main portion: *coleslaw on the side.*
2. In addition to the main occupation or activity: *did some consulting work on the side.*

### *side by side*

Next to each other; close together.

### *this side of Informal.*

Verging on; short of: *shady deals that were just this side of criminal.*

[Middle English, from Old English *sīde*.]

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1. English language—Dictionaries. I. Merriam-Webster, Inc.

PE1628.M36 1998

423—dc21

97-41846

CIP

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28293031RT:WC00



Exhibit 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

On Appeal from Group Art Unit 3731

JAN 14 2004

In re the Application of

OFFICE OF PETITIONS

Inventor: Jose FEDIDA Group Art Unit: 3731

Appln. No.: 09/526,547 Examiner: V. Bui

Filed: March 16, 2000

For: STRUCTURE OF A PROSTHESIS INTENDED TO BE IMPLANTED  
IN A HUMAN OR ANIMAL PASSAGE AND PROSTHESIS WITH  
SUCH A STRUCTURE

DECLARATION OF DOCKET CLERK

Attn: Office of Petitions

Assistant Commissioner of Patents  
Washington, D. C. 20231

Dear Sir:

The undersigned, Chief Docket Clerk for the undersigned's law firm, hereby declares that:

(1) I have fifteen years of experience as a patent docket clerk for various law firms;

(2) I have been employed as chief docket clerk by Stevens, Davis, Miller & Mosher, from June, 2003 to the present;

(3) I received the Examiner's Answer dated October 20, 2003, in the above-captioned application, on October 20, 2003;

(4) Our PATSY software does not automatically docket deadlines established by issuance of an Examiner's Answer, and I, through mistake and inadvertence, did not docket the deadline for the reply brief and the request for oral hearing in PATSY;

(5) after processing the Examiner's answer, I forwarded the Examiner's Answer to Mr. Ledbetter's Administrative Assistant;

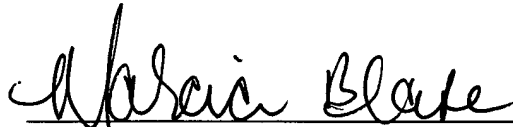
(6) on January 9, 2004, Mr. Ledbetter informed me of the error in not docketing the deadline for the reply brief and the request for oral hearing;

(7) attached hereto is a copy of the PATSY printout for Mr. Ledbetter's Consolidated Docket that I circulated to Mr. Ledbetter and his staff at the beginning of December, 2003; this Consolidated docket contains all items having due dates entered into PATSY for all of Mr. Ledbetter's cases and would have included any action items for the above-identified application;

(8) attached hereto is a copy of a docket printout from PATSY for the above-referenced application showing the entries for this application as of January 12, 2004; and

(9) all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

January 12, 2004

  
Marcia Blake

# URGENT CONSOLIDATED DOCKET FOR JAMES E. LEDBETTER

12/2003

Printed: 11/26/2003

DATE	ATTY/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
December continued...								
18 Thu	JEL/JEL/JEL	L9289.02217	BASE STATION APPARATUS AND RADIO COM	Washida & Associates	(US) 10/311,592	STATUS CHECK	0	None
18 Thu	JEL/JEL/JEL	L9289.02217	BASE STATION APPARATUS AND RADIO COM	Washida & Associates	(US) 10/311,592	ASSIGNMENT RECORDED?	3	None
19 Fri	JEL/JEL/JEL	L4093.02106	SMS	LIAN AND LIU	(US) 76/441,237	STATUS CHECK	0	None
19 Fri	JEL/JEL/JEL	L7016.01139	PRINTER CONTROLLER	ASAMURA PATENT OFFICE	(US) 09/985,083	STATUS CHECK	0	None
19 Fri	JEL/JEL/JEL	L7307.01120	DAMPING STRUCTURE AND APPLICATIONS	CABINET BONNETAT	(US) 09/980,125	FINAL OFFICE ACTION	1	2 Ex/1 Mnth
19 Fri	JEL/JEL/JEL	L7307.01120	DAMPING STRUCTURE AND APPLICATIONS	CABINET BONNETAT	(US) 09/980,125	NOTICE OF APPEAL	1	2 Ex/1 Mnth
19 Fri	JEL/JEL/JEL	L7307.03136	DEVICE FOR ARTICULATING A FLAP TO AN AI	CABINET BONNETAT	(US) 10/440,300	POST CARD RCVD?	1	None
19 Fri	JEL/JEL/JEL	L7307.03146	DEVICE AND SYSTEM FOR MAINTAINING A C	CABINET BONNETAT	(US) 10/463,856	PUBLICATION	0	None
19 Fri	JEL/JEL/JEL	L7307.03147	DEVICE FOR AIDING THE LOCATING OF A FAI	CABINET BONNETAT	(US) 10/463,863	PUBLICATION	0	None
19 Fri	JEL/JEL/JEL	L741.01109	METHOD AND SYSTEM FOR REDUCING PERS	CABINET JP COLAS	(US) 09/988,301	STATUS CHECK	3	None
19 Fri	JEL/JEL/JEL	L8462.02110	FIELD EFFECT TRANSISTOR SWITCH CIRCUI	MIYAI PATENT OFFICE	(US) 10/322,589	STATUS CHECK	0	None
19 Fri	JEL/JEL/JEL	L9079.01111A	ELASTIC AIR TEXTURED YARN AND ITS MAN	TUN, JOU & LAY IP OFFICE	(US) 10/391,010	PUBLICATION	0	None
19 Fri	JEL/JEL/JEL	L9289.02124A	COMMUNICATION TERMINAL APPARATUS AN	Washida & Associates	(US) 10/322,425	STATUS CHECK	0	None
19 Fri	JEL/JEL/JEL	L9289.02182	BASE STATION APPARATUS AND RADIO TRA	Washida & Associates	(US) 10/204,221	STATUS ON PETITION	3	None
20 Sat	JEL/JEL/JEL	JEL30239ADIV	HEAT SINK APPARATUS, BLOWER FOR USE T	ASAMURA PATENT OFFICE	(US) 09/925,508	ISSUE FEE 1 MTH C-U	0	None
20 Sat	JEL/JEL/JEL	JEL30682B	POLYMER ELECTROLYTE FUEL CELL AND PR	ASAMURA PATENT OFFICE	(US) N/A	POST CARD RCVD?	0	1 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	JEL31206PCT	APPARATUS AND METHOD FOR TRANSMISSI	Washida & Associates	(US) 09/582,558	STATUS INQUIRY LTR	0	None
20 Sat	JEL/JEL/JEL	JEL31231	BASE STATION APPARATUS, ID CONTROL AP	Washida & Associates	(US) 09/635,097	NOTICE OF APPEAL	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	JEL31231	BASE STATION APPARATUS, ID CONTROL AP	Washida & Associates	(US) 09/635,097	FINAL REJECTION	1	2 Ex/1 Mnth

## URGENT CONSOLIDATED DOCKET FOR JAMES E. LEDBETTER

Printed: 11/26/2003

DATE	ATTY	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
December continued...								
20 Sat	JEL/JEL/JEL	L7016.03112	RESERVOIR UNIT	ASAMURA PATENT OFFICE	(US) 10/465,892	STATUS CHECK	0	None
20 Sat	JEL/JEL/JEL	L7307.01118	DEVICE FOR DETERMINING THE VALUES OF	CABINET BONNETAT	(US) 09/979,886	STATUS INQ CORR OFR	2	1 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L7307.01120	DAMPING STRUCTURE AND APPLICATIONS	CABINET BONNETAT	(US) 09/980,125	ASSIGNMENT RECORDED?	0	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L7307.03149	PROCESS AND DEVICE FOR DEVISING AN AB	CABINET BONNETAT	(US) 10/465,844	STATUS CHECK	0	None
20 Sat	JEL/JEL/JEL	L7725.03109	N/A	GRUENECKER KINKELDEY ST	(US) N/A	FILE PATENT APPL	0	None
20 Sat	JEL/JEL/JEL	L9289.00127	RECEIVING APPARATUS AND SYNCHRONIZA	Washida & Associates	(US) 09/719,821	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L9289.01148	ARRAY ANTENNA RADIO COMMUNICATION A	Washida & Associates	(US) 09/868,699	STATUS CHECK	3	None
20 Sat	JEL/JEL/JEL	L9289.01174	RECEIVING APPARATUS AND GAIN CONTROL	Washida & Associates	(US) 09/913,848	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L9289.01223	CHANNEL ALLOCATION METHOD AND RADIO	Washida & Associates	(US) 09/979,889	STATUS INQ CORR OFR	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L9289.01224	COMMUNICATION CONTROL APPARATUS AN	Washida & Associates	(US) 09/979,890	STATUS INQ CORR OFR	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L9289.02118	ADAPTIVE MODULATION COMMUNICATION S	Washida & Associates	(US) 10/069,009	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L9289.02121	BASE STATION APPARATUS AND CHANNEL A	Washida & Associates	(US) 10/069,008	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L9289.02122	DATA TRANSMITTING APPARATUS AND DATA	Washida & Associates	(US) 10/069,005	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L9289.02125	RADIO COMMUNICATION SYSTEM AND MULTI	Washida & Associates	(US) 10/069,004	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	L9289.02147	BASE STATION APPARATUS AND CHANNEL A	Washida & Associates	(US) 10/088,650	STATUS CHECK	6	None
20 Sat	JEL/JEL/JEL	L9289.02205	TRANSMISSION APPARATUS AND TRANSMIS	Washida & Associates	(US) 10/204,356	STATUS CHECK	0	None
20 Sat	JEL/JEL/JEL	L9361.02102	TIME RECORDER WITH A CARD FEED RATE A	YAJIMA PATENT OFFICE	(US) 10/147,913	STATUS CHECK	1	2 Ex/1 Mnth
21 Sun	JEL/JEL/JEL	L7016.01105	NICKEL POSITIVE ELECTRODE ACTIVE MATE	ASAMURA PATENT OFFICE	(US) 09/805,509	NOTICE OF APPEAL	1	2 Ex/1 Mnth
21 Sun	JEL/JEL/JEL	L7016.01133	SECONDARY BATTERY HAVING A NON-AQUEO	ASAMURA PATENT OFFICE	(US) 09/959,099	ISSUE FEE 1 MTH C-U	0	None

SDMM# JEL31040

PRINTED ON: 1/12/2004

COUNTRY	US	UNITED STATES	TITLE		PRIOR	
NEW/CON	NEW	SERIAL#	09/526,547	STRUCTURE OF A PROSTHESIS INTENDED TO BE IMPLANTED IN A HUMAN OR ANIMAL PASSAGE AND PROSTHESIS WITH SUCH A STRUCTURE	MAIL	
RELATED		PATENT#			FILE	3/16/2000
TYPE	UTL	STATUS	PENDING		PUBL	
CLIENT	7307	CABINET BONNETAT	1	CREF	NOVATECH/STRUCTU	ISSUE
AGENT				AREF	REP	1ST
						EXP
						3/16/2020

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
	Y	CLAIM FOR PRIORITY	3/16/2000										
AS	Y	ASSIGNMENT DOC.	3/16/2000										
CH	Y	CHANGE OF ADDRESS	3/16/2000										
AS	Y	REC. ASSIGNMENT	5/26/2000										
	Y	FILING RECEIPT REC.D	6/1/2000										
DS	N	INF DISCLOSURE STMT	3/16/2000	3 M	6/16/2000	0	6/16/2000	0	6/14/2000	1 M	Y	Y	Y
	N	C/U (TO BE FILED)	3/14/2000	147 D	8/8/2000		8/8/2000	0	3/16/2000	0 M	Y	Y	Y
	N	TO BE FILED	3/14/2000	148 D	8/9/2000		8/9/2000	0	3/16/2000	0 M	Y	Y	Y
	y	ids	8/28/2000										
	Y	COA & SIL	9/22/2000										
RE	N	RESPONSE TO OA	8/1/2001	3 M	11/1/2001	3 1	2/1/2002	1	11/1/2001	1 M	Y	Y	Y
SQ	Y	STATUS INQUIRY LTR	11/1/2001										
NA	N	NOTICE OF APPEAL	1/15/2002	3 M	4/15/2002	3 1	7/15/2002	3	5/15/2002	1 M	Y	Y	Y
REQ CONT EXAM FLD IN RESP TO NTC OF APPEAL DUE MAY 15, 2002;													
FR	N	FINAL REJECTION	1/15/2002	3 M	4/15/2002	3 1	7/15/2002	1	4/15/2002	1 M	Y	Y	Y
E1	Y	1 MONTH EXT OF TIME	5/15/2002										
CX	Y	RQST CONTINUED EXAM	5/15/2002										
RE	N	RESPONSE TO OA	7/18/2002	3 M	10/18/2002	3 1	1/18/2003	2	11/18/2002	1 M	Y	Y	Y
E1	Y	1 MONTH EXT OF TIME	11/18/2002										
FR	N	FINAL REJECTION	2/13/2003	3 M	5/13/2003	3 1	8/13/2003	0	4/28/2003	1 M	Y	Y	Y
NA	N	NOTICE OF APPEAL	2/13/2003	3 M	5/13/2003	3 1	8/13/2003	2	6/13/2003	1 M	Y	Y	Y
AV	Y	ADVISORY ACTION	5/28/2003										
E1	Y	1 MONTH EXT OF TIME	6/13/2003										
AB	N	APPEAL BRIEF	6/13/2003	2 M	8/13/2003	5 1	1/13/2004	0	7/22/2003	1 M	Y	Y	Y
EX	Y	EXAMINER ANSW RECD?	10/20/2003										
	Y	REJECTIONS SUSTAINED	10/20/2003										
SQ	N	STATUS INQUIRY LTR	7/22/2003	3 M	10/22/2003	0	10/22/2003	0	10/20/2003	0 M	Y	Y	Y
SC	N	STATUS CHECK	10/20/2003	3 M	1/20/2004	0	1/20/2004	0		1 M	Y	Y	Y

<b>INVENTORS</b>
Jose FEDIDA

<b>ASSIGNEES</b>
NOVATECH SA
10657/0436

USER-DEFINABLE FIELDS		PATENT FIELDS	
ART#	3731	SMALL ENTITY	ART UNIT 3731
EXAM.	VY Q BUI	CLAIMS	EXAMINER VY Q BUI
SDMM#		PUBLICATION#	CONFIRM# 1825

P10605US00 ENTERED 3/15/2000 MODIFIED 10/20/2003 BY MAB ATTORNEYS JEL / JEL / JEL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

On Appeal from Group Art Unit 3731

In re the Application of

Inventor: Jose FEDIDA Group Art Unit: 3731

Appln. No.: 09/526,547 Examiner: V. Bui

Filed: March 16, 2000

For: STRUCTURE OF A PROSTHESIS INTENDED TO BE IMPLANTED  
IN A HUMAN OR ANIMAL PASSAGE AND PROSTHESIS WITH  
SUCH A STRUCTURE

DECLARATION OF ADMINISTRATIVE ASSISTANT

Attn: Office of Petitions

Assistant Commissioner of Patents  
Washington, D. C. 20231

Dear Sir:

The undersigned hereby declares that:

(1) I have been employed as an Administrative Assistant for Mr. Ledbetter of Stevens, Davis, Miller & Mosher, from April, 2001 to the present;

(2) I received the Examiner's Answer dated October 20, 2003, in the above-captioned application, from the Chief Docket Clerk of Stevens, Davis, Miller & Mosher on October 20, 2003;

(3) I did not realize there was any due date to be docketed or urgency to dealing with the paper because there was no due date marked thereon by the docket clerk;

(4) from October 20, 2003 through January 9, 2004, the Examiner's Answer was in a stack of papers at my desk;

(5) due to an unusually heavy workload in October and November, and the holiday season in December, I did not prepare a

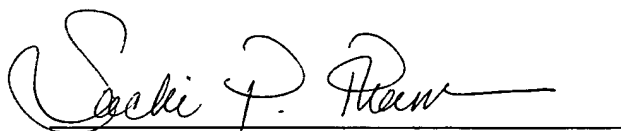
letter for the undersigned's signature, to send the paper to the Applicant, until January 9, 2004;

(6) on January 9, 2004, Mr. Ledbetter asked me where the paper had been for the last two and one half months, and I explained the above to him;

(7) I receive a copy of Mr. Ledbetter's Consolidated Docket each month and the Consolidated Docket for December 2003 did not contain any entry for this application; and

(8) all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

January 12, 2004

  
Sachi Pham

**THURSDAY • DECEMBER 18, 2003**

352nd Day, 13 Days Left

TO BE DONE TODAY (ACTION LIST)

APPOINTMENTS &amp; SCHEDULED EVENTS

DIARY AND WORK RECORD • EXPENSES

\$/TIME

~~L7307.02109 - No. App. (AAF F. 10/20) (No App. awarded 3/15)~~

~~JEL 31249 - draft Amend. (ii) DWWS 12/18~~

~~L8612-03110 - New case DL 12/15~~

Exhibit 4

**FRIDAY • DECEMBER 19, 2003**

EREV HANUKKAH

~~L7725.03109 - New Case C/U 12/15~~

~~L7234.01130 - (AAF 10/28) HV. Sent 11/19 11/8~~

~~JEL 31007 - 108 11/25~~

~~L9089.03170 - New Case C/U 12/4~~

~~L9089.03171 - New Case C/U 12/11~~

~~JEL 30763 - send Jee. Amend. for DA 12/22~~

~~L741.03113 - New Case (ASAP) 12/23~~

~~L741.03113 - New Case (ASAP) 12/22~~

~~L741.03114 - New Case (ASAP) 12/22~~

~~L741.03115 - New Case (ASAP) 12/22~~

~~L741.03116 - New Case (ASAP) 12/22~~

**SATURDAY • DECEMBER 20, 2003**

HANUKKAH

~~L7725.03109 - New Case DL 12/15~~

~~JEL 31231 - F. Rpt. (ii) DWWS 12/18~~

~~L9089.03172 - New Case DL 12/4~~

~~JEL 30773 - comm. ltr. (DWWS)~~

**SUNDAY • DECEMBER 21, 2003**

355th Day, 10 Days Left

~~L7016.01105 - No. App. (AAF F. 11/21)~~

~~L7259.02163 - draft Resp. (ii) DWWS 12/18~~

DECEMBER 2003							JANUARY 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	1	2	3	4	5	6	7
9	10	11	12	13	14	15	8	9	10	11	12	13	14
16	17	18	19	20	21	22	15	16	17	18	19	20	21
23	24	25	26	27	28	29	22	23	24	25	26	27	28
30	31						29	30	31				

# MONDAY • DECEMBER 22, 2003

356th Day, 9 Days Left • 52nd Week

TO BE DONE TODAY (ACTION LIST)

APPOINTMENTS & SCHEDULED EVENTS

DIARY AND WORK RECORD • EXPENSES

\$/TIME

~~67725.03108 - cl. p.m. (new case 9/22)~~ 10/1

~~8734.03102 - cl. p.m. (new case 9/22)~~

~~8501.03101 - draft app. to Matsuda~~ 12/21

~~9289.03177 - new case DL~~ 12/11

~~JEL 30463 - DA Pte. App. 12/22~~

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# TUESDAY • DECEMBER 23, 2003

357th Day, 8 Days Left

~~9289.02117 - 2. P.m. ext~~

~~7307.02113 - 3. P.m. (ii) JEL (AAEF. 10/24) RCE 12/2~~

~~9289.02181 - IDS 11/28~~

~~8012.03111 - new case C/L 12/23~~

~~8613.03113 - new case C/L 12/24~~

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# WEDNESDAY • DECEMBER 24, 2003

358th Day, 7 Days Left

~~JEL 31057 - IF 11/5~~

~~7016.02103 - c.p. m. scheduled~~

~~9289.02124 - IF, PF 11/13~~

~~JEL 31236 - P. P.m. ext.~~

~~JEL 31056 I - 3. P.m. (ii) JEL (AAEF. 12/18) ext~~

~~JEL 31222 A - IF, PF, LAD 10/29~~

~~9289.03178 - new case C/L 12/16~~

~~8612.03111 - new case DL 12/23~~

~~8613.03113 - new case DL 12/24~~

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# URGENT CONSOLIDATED DOCKET FOR JAMES E. LEDBETTER

12/2003

Printed: 11/26/2003

DATE	ATTY/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT. AVAILABLE
December continued...								
18 Thu	JEL/JEL/JEL	L9289.02217	BASE STATION APPARATUS AND RADIO COM	Washida & Associates	(US) 10/311,592	STATUS CHECK	0	None
18 Thu	JEL/JEL/JEL	L9289.02217	BASE STATION APPARATUS AND RADIO COM	Washida & Associates	(US) 10/311,592	ASSIGNMENT RECORDED?	3	None
19 Fri	JEL/JEL/JEL	L4093.02106	SMS	LIAN AND LIU	(US) 76/441,237	STATUS CHECK	0	None
19 Fri	JEL/JEL/JEL	L7016.01139	PRINTER CONTROLLER	ASAMURA PATENT OFFICE	(US) 09/985,083	STATUS CHECK	0	None
19 Fri	JEL/JEL/JEL	L7307.01120	DAMPING STRUCTURE AND APPLICATIONS	CABINET BONNETAT	(US) 09/980,125	FINAL OFFICE ACTION	1	2 Ex/1 Mnth
19 Fri	JEL/JEL/JEL	L7307.01120	DAMPING STRUCTURE AND APPLICATIONS	CABINET BONNETAT	(US) 09/980,125	NOTICE OF APPEAL	1	2 Ex/1 Mnth
19 Fri	JEL/JEL/JEL	L7307.03136	DEVICE FOR ARTICULATING A FLAP TO AN AI	CABINET BONNETAT	(US) 10/440,300	POST CARD RCVD?	1	None
19 Fri	JEL/JEL/JEL	L7307.03146	DEVICE AND SYSTEM FOR MAINTAINING A C	CABINET BONNETAT	(US) 10/463,856	PUBLICATION	0	None
19 Fri	JEL/JEL/JEL	L7307.03147	DEVICE FOR AIDING THE LOCATING OF A FAI	CABINET BONNETAT	(US) 10/463,863	PUBLICATION	0	None
19 Fri	JEL/JEL/JEL	L741.01109	METHOD AND SYSTEM FOR REDUCING PERS	CABINET JP COLAS	(US) 09/988,301	STATUS CHECK	3	None
19 Fri	JEL/JEL/JEL	L8462.02110	FIELD EFFECT TRANSISTOR SWITCH CIRCUI	MIYAI PATENT OFFICE	(US) 10/322,589	STATUS CHECK	0	None
19 Fri	JEL/JEL/JEL	L9079.01111A	ELASTIC AIR TEXTURED YARN AND ITS MAN	TUN, JOU & LAY IP OFFICE	(US) 10/391,010	PUBLICATION	0	None
19 Fri	JEL/JEL/JEL	L9289.02124A	COMMUNICATION TERMINAL APPARATUS AN	Washida & Associates	(US) 10/322,425	STATUS CHECK	0	None
19 Fri	JEL/JEL/JEL	L9289.02182	BASE STATION APPARATUS AND RADIO TRA	Washida & Associates	(US) 10/204,221	STATUS ON PETITION	3	None
20 Sat	JEL/JEL/JEL	JEL30239ADIV	HEAT SINK APPARATUS, BLOWER FOR USE T	ASAMURA PATENT OFFICE	(US) 09/925,508	ISSUE FEE 1 MTH C-U	0	None
20 Sat	JEL/JEL/JEL	JEL30682B	POLYMER ELECTROLYTE FUEL CELL AND PR	ASAMURA PATENT OFFICE	(US) N/A	POST CARD RCVD?	0	1 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	JEL31206PCT	APPARATUS AND METHOD FOR TRANSMISSI	Washida & Associates	(US) 09/582,558	STATUS INQUIRY LTR	0	None
20 Sat	JEL/JEL/JEL	JEL31231	BASE STATION APPARATUS, ID CONTROL AP	Washida & Associates	(US) 09/635,097	NOTICE OF APPEAL	1	2 Ex/1 Mnth
20 Sat	JEL/JEL/JEL	JEL31231	BASE STATION APPARATUS, ID CONTROL AP	Washida & Associates	(US) 09/635,097	FINAL REJECTION	1	2 Ex/1 Mnth

# URGENT CONSOLIDATED DOCKET FOR JAMES E. LEDBETTER

Printed: 11/26/2003

ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
December continued...							
20 Sat JEL/JEL/JEL	L7016.03112	RESERVOIR UNIT	ASAMURA PATENT OFFICE	(US) 10/465,892	STATUS CHECK	0	None
20 Sat JEL/JEL/JEL	L7307.01118	DEVICE FOR DETERMINING THE VALUES OF	CABINET BONNETAT	(US) 09/979,886	STATUS INQ CORR OFR	2	1 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L7307.01120	DAMPING STRUCTURE AND APPLICATIONS	CABINET BONNETAT	(US) 09/980,125	ASSIGNMENT RECORDED?	0	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L7307.03149	PROCESS AND DEVICE FOR DEVISING AN AB	CABINET BONNETAT	(US) 10/465,844	STATUS CHECK	0	None
20 Sat JEL/JEL/JEL	L7725.03109	N/A	GRUENECKER KINKELDEY ST	(US) N/A	FILE PATENT APPL	0	None
20 Sat JEL/JEL/JEL	L9289.00127	RECEIVING APPARATUS AND SYNCHRONIZA	Washida & Associates	(US) 09/719,821	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L9289.01148	ARRAY ANTENNA RADIO COMMUNICATION A	Washida & Associates	(US) 09/868,699	STATUS CHECK	3	None
20 Sat JEL/JEL/JEL	L9289.01174	RECEIVING APPARATUS AND GAIN CONTROL	Washida & Associates	(US) 09/913,848	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L9289.01223	CHANNEL ALLOCATION METHOD AND RADIO	Washida & Associates	(US) 09/979,889	STATUS INQ CORR OFR	1	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L9289.01224	COMMUNICATION CONTROL APPARATUS AN	Washida & Associates	(US) 09/979,890	STATUS INQ CORR OFR	1	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L9289.02118	ADAPTIVE MODULATION COMMUNICATION S	Washida & Associates	(US) 10/069,009	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L9289.02121	BASE STATION APPARATUS AND CHANNEL A	Washida & Associates	(US) 10/069,008	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L9289.02122	DATA TRANSMITTING APPARATUS AND DATA	Washida & Associates	(US) 10/069,005	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L9289.02125	RADIO COMMUNICATION SYSTEM AND MULTI	Washida & Associates	(US) 10/069,004	STATUS CHECK	1	2 Ex/1 Mnth
20 Sat JEL/JEL/JEL	L9289.02147	BASE STATION APPARATUS AND CHANNEL A	Washida & Associates	(US) 10/088,650	STATUS CHECK	6	None
20 Sat JEL/JEL/JEL	L9289.02205	TRANSMISSION APPARATUS AND TRANSMIS	Washida & Associates	(US) 10/204,356	STATUS CHECK	0	None
20 Sat JEL/JEL/JEL	L9361.02102	TIME RECORDER WITH A CARD FEED RATE A	YAJIMA PATENT OFFICE	(US) 10/147,913	STATUS CHECK	1	2 Ex/1 Mnth
21 Sun JEL/JEL/JEL	L7016.01105	NICKEL POSITIVE ELECTRODE ACTIVE MATE	ASAMURA PATENT OFFICE	(US) 09/805,509	NOTICE OF APPEAL	1	2 Ex/1 Mnth
21 Sun JEL/JEL/JEL	L7016.01133	SECONDARY BATTERY HAVING A NON-AQUEO	ASAMURA PATENT OFFICE	(US) 09/959,099	ISSUE FEE 1 MTH C-U	0	None

Exhibit 6

SDMM# JEL31040

PRINTED ON: 1/12/2004

<b>COUNTRY</b>	US	UNITED STATES	<b>TITLE</b>		<b>PRIOR</b>		
<b>NEW/CON</b>	NEW	<b>SERIAL#</b>	09/526,547	STRUCTURE OF A PROSTHESIS INTENDED TO BE IMPLANTED IN A HUMAN OR ANIMAL PASSAGE AND PROSTHESIS WITH SUCH A STRUCTURE	<b>MAIL</b>		
<b>RELATED</b>		<b>PATENT#</b>			<b>FILE</b>	3/16/2000	
<b>TYPE</b>	UTL	<b>STATUS</b>	PENDING		<b>PUBL</b>		
<b>CLIENT</b>	7307	CABINET BONNETAT	1	<b>CREF</b>	NOVATECH/STRUCTU	<b>ISSUE</b>	
<b>AGENT</b>				<b>AREF</b>	RE-P	<b>1ST</b>	3/16/2000
						<b>EXP</b>	3/16/2020

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
	Y	CLAIM FOR PRIORITY	3/16/2000										
AS	Y	ASSIGNMENT DOC.	3/16/2000										
CH	Y	CHANGE OF ADDRESS	3/16/2000										
AS	Y	REC. ASSIGNMENT	5/26/2000										
	Y	FILING RECEIPT REC.D	6/1/2000										
DS	N	INF DISCLOSURE STMT	3/16/2000	3M	6/16/2000	0	6/16/2000	0	6/14/2000	1M	Y	Y	Y
	N	C/U (TO BE FILED)	3/14/2000	147D	8/8/2000		8/8/2000	0	3/16/2000	0M	Y	Y	Y
	N	TO BE FILED	3/14/2000	148D	8/9/2000		8/9/2000	0	3/16/2000	0M	Y	Y	Y
	y	ids	8/28/2000										
	Y	COA & SIL	9/22/2000										
RE	N	RESPONSE TO OA	8/1/2001	3M	11/1/2001	31	2/1/2002	1	11/1/2001	1M	Y	Y	Y
SQ	Y	STATUS INQUIRY LTR	11/1/2001										
NA	N	NOTICE OF APPEAL	1/15/2002	3M	4/15/2002	31	7/15/2002	3	5/15/2002	1M	Y	Y	Y
REQ CONT EXAM FLD IN RESP TO NTC OF APPEAL DUE MAY 15, 2002;													
FR	N	FINAL REJECTION	1/15/2002	3M	4/15/2002	31	7/15/2002	1	4/15/2002	1M	Y	Y	Y
E1	Y	1 MONTH EXT OF TIME	5/15/2002										
CX	Y	RQST CONTINUED EXAM	5/15/2002										
RE	N	RESPONSE TO OA	7/18/2002	3M	10/18/2002	31	1/18/2003	2	11/18/2002	1M	Y	Y	Y
E1	Y	1 MONTH EXT OF TIME	11/18/2002										
FR	N	FINAL REJECTION	2/13/2003	3M	5/13/2003	31	8/13/2003	0	4/28/2003	1M	Y	Y	Y
NA	N	NOTICE OF APPEAL	2/13/2003	3M	5/13/2003	31	8/13/2003	2	6/13/2003	1M	Y	Y	Y
AV	Y	ADVISORY ACTION	5/28/2003										
E1	Y	1 MONTH EXT OF TIME	6/13/2003										
AB	N	APPEAL BRIEF	6/13/2003	2M	8/13/2003	51	1/13/2004	0	7/22/2003	1M	Y	Y	Y
EX	Y	EXAMINER ANSW RECD?	10/20/2003										
	Y	REJECTIONS SUSTAINED	10/20/2003										
SQ	N	STATUS INQUIRY LTR	7/22/2003	3M	10/22/2003	0	10/22/2003	0	10/20/2003	0M	Y	Y	Y
SC	N	STATUS CHECK	10/20/2003	3M	1/20/2004	0	1/20/2004	0		1M	Y	Y	Y

<b>INVENTORS</b>
Jose FEDIDA

<b>ASSIGNEES</b>
NOVATECH SA
10657/0436

USER-DEFINABLE FIELDS		PATENT FIELDS			
ART#	3731	SMALL ENTITY		ART UNIT	3731
EXAM.	VY Q BUI	CLAIMS		EXAMINER	VY Q BUI
SDMM#		PUBLICATION#		CONFIRM#	1825

P10605US00	ENTERED	3/15/2000	MODIFIED	10/20/2003	BY	MAB	ATTORNEYS	JEL	/	JEL	/	JEL
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